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8 Attorney for Defendants Danny B. Luong; Diana Wong

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 **Scott Johnson,**

13 Plaintiff,

14 v.

15 **Danny B. Luong**, in individual and rep-
16 resentative capacity as trustee of The
17 Luong/Wong Family Revocable Trust
18 Of August 21, 1999; **Diana Wong**, in
19 individual and representative capacity as
20 trustee of The Luong/Wong Family
21 Revocable Trust Of August 21, 1999;
22 and Does 1-10,

23 *Defendants.*

Case No. 4:20-cv-00121-YGR

**REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF
DEFENDANTS' MOTION TO (A)
DISMISS FEDERAL CLAIM
PURSUANT TO FRCP 12(b)(1);
AND (B) TO DISMISS STATE
CLAIMS PURSUANT TO FRCP
12(b)(1), 12(h)(3), and 28 USC
§1367(c)**

Honorable Yvonne Gonzalez Rogers
Oakland Courthouse
Courtroom 1 – 4th Floor
1301 Clay Street
Oakland, CA 94612

Date: Tuesday, March 31, 2020
Time: 2:00 p.m.

24 **TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:**

25 Please take notice, pursuant to Federal Rule of Evidence 201, Defendants
26 Danny B. Luong and Diana Wong (“**Defendants**”) hereby respectfully request, in
27 consideration and support of their Motion to Dismiss, that this Court take judicial
28 notice of the following documents:

1 **Exhibit 9 – Excerpts**, Department of Justice 2010 ADA Standards for Accessible
2 Design (September 15, 2010) (“**2010 ADAS**”)

3
4 **Fact 1** – Evidencing the standards for slopes and cross slopes in park-
5 ing spaces and access aisles.

6 Exh. 4 at page 4 (2010 ADAS Section 502.4)

7 **Fact 2** – Evidencing the dimensions for parking spaces and access
8 aisles.

9 Exh. 4 at pages 2-3 (2010 ADAS Section 502.2-502.3)

10
11 **ADDITIONAL DOCUMENTS FOR WHICH**
12 **JUDICIAL NOTICE IS REQUESTED**

13 Docket of Actions in this Case
14 Plaintiff’s Complaint
15

16 A court may also properly take notice of “matters of public record” pursuant
17 to Federal Rule of Evidence section 201, to the extent they are not subject to rea-
18 sonable dispute. *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001).

19 The documents and the foregoing identified fact constitute matters not rea-
20 sonably subject to dispute. Exhibit 4 consists of regulations and codes of govern-
21 mental bodies.

22 Plaintiff’s pleadings are documents the existence of which (but not the con-
23 tents) this Court can take judicial notice.

24
25 Dated: February 10, 2020 LAW OFFICES OF STEPHEN ABRAHAM

26
27 By: /s/ Stephen E. Abraham
Stephen E. Abraham
28 Attorneys for Defendants

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is: 1592 Pegasus Street, Newport Beach, California 92660.

On February 10, 2020, I served the foregoing document described as:
**REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF DEFENDANT'S
MOTION TO (A) DISMISS FEDERAL CLAIM PURSUANT TO FRCP
12(b)(1); AND (B) TO DISMISS STATE CLAIMS PURSUANT TO FRCP
12(b)(1), 12(h)(3), and 28 USC §1367(c)** thereon on all interested parties in this action as follows:

CENTER FOR DISABILITY ACCESS Representing Plaintiff
Amanda Seabock, Esq., SBN 289900
Chris Carson, Esq., SBN 280048
Dennis Price, Esq., SBN 279082
Mail: 8033 Linda Vista Road, Suite 200
San Diego, CA 92111
(858) 375-7385; (888) 422-5191 fax
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☒ **e-Filing pursuant to Court order**

Executed on February 10, 2020, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Stephen E. Abraham

Stephen E. Abraham